

A 18
WASHINGTON POST
10 February 1977

STAT

Kelley Lauds Decision on CIA

Los Angeles Times

FBI Director Clarence M. Kelley, in what was seen as the opening of a campaign to head off prosecution of FBI officials for burglaries, yesterday praised the decision not to prosecute Central Intelligence Agency agents for illegal mail openings.

Kelley, speaking to the Lawyers Association of Kansas City, said a Department of Justice report announcing the decision regarding the CIA agents last month was "superb."

"The report pointed out that the state of the law that prevailed at the time of the mail openings was different from its state today," Kelley said.

Justice Department officials said

some lawyers for FBI men currently under investigation for burglaries, wiretapping and mail openings, chiefly in the New York area, have made a similar argument.

That view also is widely held at FBI headquarters, where one source asked yesterday how the Justice Department could apply "one standard for mail openings and another for surreptitious entries."

Kelley, quoting from the department report on CIA mail openings from 1953 to 1973, said: "It would be mistaken to suppose that it was always clearly perceived that the particular mail opening programs of the CIA were obviously illegal.

"The Department believes that this opinion is a serious misperception of our nation's recent history, of the way the law has evolved and the factors to which it responded—and substitution of what we now believe is and must be the case for what was."

The investigation of FBI officials for the break-ins and other allegedly illegal actions, under supervision of the department's Civil Rights Division, is expected to come to a head in the next six weeks.